

# THE STATE SENTINEL.

SEMI-WEEKLY.

EXTERNAL VIGILANCE IS THE PRICE OF LIBERTY.

INDIANAPOLIS, JUNE 7, 1845.

For Congress, Fifth District.

WILLIAM W. WICK.

TO OUR FRIENDS.

We find our Semi-Weekly too small; and from this number the size will be enlarged. This will enable us to give double the reading matter.

While on this subject, we again repeat the wish that those intending to subscribe or change the weekly for the semi-weekly, would do so immediately. We desire to have all commence at the commencement of the volume if possible.

## To Advertisers.

It will be of interest to our subscribers, advertisers and the public generally, to know that all advertisements for the Semi-Weekly, will appear at least once in the Weekly Sentinel. This gives them a larger circulation than can be obtained in any other paper in the State.

## The Fifth District.

From all parts of this Congressional District we hear the most flattering accounts in favor of the Democratic nominee, Judge Wick. The Whig leaders have been anxiously looking for and endeavoring to produce disaffection among our party, but they find it a fruitless labor. Instead of any event of this kind, if we can judge from present appearances, Judge Wick will not only receive the united Democratic support, but will also get the votes of many of the honest Whig rank and file. The latter see that President Polk is disposed to administer the duties devolving upon him so as to promote the true interests, prosperity and glory of the whole American people. This is all that the honest majority of even the Whig party desire; and they are not just now willing to make a factious opposition, merely to promote the ambitious schemes of heartless party managers. They are willing to give the President fair play and a fair trial; and this is the reason why Judge Wick will be elected, as he ought to be, by a large majority.

## Ninth District.

Every thing looks well for the Democratic Candidate in the Ninth Congressional District. The people seem to have become heartily tired of Mr. Sample, and his unpatriotic course in the last Congress. They have no notion of sending him again, to represent Mexican or British policy, instead of their own. We published an extract of a letter last week, showing that the people of his district would not turn out to hear his speeches, and now we have the following, from the Tocsin, in favor of Cathcart, his competitor: "C. W. Cathcart, our next M. C. is doing up the business for the campaign just about right. The field is ripe for the harvest, and Charley is putting in for a tall crop. Our friends in Porter and Lake are in the very best spirits. At Deep River, there was a great turnout—over three hundred having been present to hear Mr. C. We can safely calculate, we think, on at least one hundred and fifty majority for the Democratic nominee."

The migration vote in the two counties is large and, like a jug handle, all on one side. There are also frequent changes from whiggery to democracy as we are credibly informed.

## Morgan County.

We learn that the Democrats of Morgan county have nominated A. M. DELAVAN, Esq., as the candidate to represent that county in the next Legislature. They should, and we believe they will, elect him.

## Washington Union.

We would call the attention of our readers to the prospectus of the Washington Union, to be found in our columns. The paper ably sustains the reputation of its talented and veteran editor.

## To Travelers.

We would call attention to the advertisement of J. & P. Voorhees & Co. We speak advisedly, when we say that no better teams or stages can be found on the roads. Their connections on the several routes are all regular and expeditious.

## New Books.

Among the vast number of new enterprises springing up in this place at the present day, and that under a healthy state of things and a democratic administration, none appear to advance with more rapid strides than our book establishments. Another new one has been added to the list by Mr. TURNER, who has a very fine and selected variety of books, stationery, &c. Many of his books are seldom to be found in western bookstores; and we advise our friends to give him a call. He has also a fine assortment of Catholic books.

## Good.

Hodgkins has opened an establishment on Meridian street, south, where may be found confectionery, fruits, &c., and soda water in its purity. We advise all who value health and comfort to try his soda and ginger syrup. It will relieve our friends, the doctors, from a vast amount of trouble, if drunk in moderate quantities in place of ardent spirits. Try it. His ice creams are not slow.

## T. R. & H. A. Fletcher.

Are said to be doing a rushing business. We are inclined to believe it, as we know them to be very clever chaps. They ought to advertise, if they can get time to write out advertisements.

## Hoosier and Gazette.

The Democratic Hoosier and Whig Gazette, published at Columbus, Ind., have doffed each their political character, and united under a neutral flag. The first number is a much better paper than either of the old ones; and we hope the proprietors will succeed.

## A Young Lady Dealed with.

MARCUS L. DEAL, Esq., Editor of the Bloomington Post, (a better name than Western Post,) has lately espoused Miss MAHALA MORRISON. We don't know that there was any shuffling in the affair; but if Marcus does not DEAL kindly with MAHALA, we advise her to CUT him at once. Nuf sed.

E. G. Squier, the stalling Whig editor who thought it prudent to leave Hartford, Ct., re-appears in the same capacity at Chillicothe, Ohio.

## Broken Banks of Ohio.

The Ohio Statesman gives the following list of fraudulent Banks, which for several years relieved the people of the burden of keeping their specie, and finally broke. People should stick up the list over their fire-places, as a memento of the beauties of banking, and as a preventive against being swindled with the dead paper by petty rogues:

Bank of Exchange, Cincinnati,  
Bank of Cincinnati,  
Bank of the United States, Branch,  
Cincinnati and White Water Canal Company,  
Cincinnati Banking and Loan Office,  
Consolidated Banking Company,  
Farmers' and Mechanics' Bank,  
Miami Exporting Company,  
Ohio and Cincinnati Loan Office,  
Oris Arnold & Co's checks,  
Plant J. H. & Co's Bank,  
Bank of Circleville, (new) chartered in 1818,  
Bank of Hamilton, Hamilton,  
Bank of Gallipolis, Gallipolis,  
Bank of Steubenville, Steubenville,  
Bank of Mansfield, Mansfield,  
Bank of Sandusky Bay, Lower Sandusky,  
Western Banking Company,  
Bank of West Union, West Union,  
Canal Bank, Middletown,  
Commercial Bank of Lake Erie, Cleveland,  
Commercial Bank of Scioto, Portsmouth,  
Farmers' Bank of Canton, Canton,  
Farmers' Bank of New Salem, New Salem,  
Farmers' and Mechanics' Bank, Chillicothe,  
Franklin Silk Company,  
German Bank of Wooster, Wooster,  
Geauga Insurance Company, Painesville,  
Granville Alexandria Society, Granville,  
Goshen, Wilmington and Columbus Turnpike Company,  
Hamilton and Rossville Manufacturing Company,  
Jefferson Bank, New Salem,  
Kirkland Safety Society Bank, Kirkland,  
Lebanon Bank, Lebanon,  
Lancaster, Ohio, Lancaster,  
Maumee Insurance Company,  
Manhattan Bank, Manhattan,  
Monroe Falls Manufacturing Company,  
Miami Exporting Company, Branch, Conneaut,  
Ouel Creek Bank, Mr. Vernon,  
Orphans' Institute Bank, Fulton,  
Ohio Railroad Company, Richmond,  
Urbana Banking Co., Urbana,  
Washington Bank, Miamisburg,  
Western Reserve, Farmers' Banking Company, Brehman,  
Zanesville Canal and Manufacturing Company, Zanesville.

## British loss during the last War.

The following is the list of War and Merchant ships captured by the Americans in the short war of June, 1812, to the 8th of January, 1815. The names are omitted:

In all 53 vessels of war—883 guns.  
Merchant ships, viz:  
354 ships,  
610 briggs,  
520 schooners,  
135 sloops,  
750 various classes recaptured,  
mounting 800 guns.

2369 2369 1686 guns  
Note.—Besides the above destruction of British property by the Americans, there were lost by wreck or otherwise, on the coast of the United States, during the said war, the following British ships of war:

Ship	Armament	Loss
Leopard, 50	Haleyson, 20	Magnet, 6
Southampton, 44	Fantome, 20	Bold, 12
Barbadoes, 38	Goschawsky, 20	Rh-dian, 12
Louisiana, 24	Tweed, 20	Alpheus, 12
Atlanta, 20	Emulous, 18	Racer, 10
Moselle, 20	Average, 18	Holly, 10
Persian, 20	Plumber, 18	Alcegon, 10
Sybil, 20	Falcon, 18	Rover, 10
Canter, 20	Heard, 18	Sutley, 10
	Daring, 16	

add 20 per cent. for carrying over their rate, 674 135 800

A SECRET OUT.—A letter from Washington in the Richmond Enquirer, thus betrays a little secret of the private character and conduct of Messrs. Blair and Rives, worth repeating now it is out:

It has become of late quite "the go" with newspaper gossip to "run out" about the personal beauty of Francis P. Blair, Esq. "There is no accounting for tastes; so I will not undertake to quarrel with my neighbor for the want of it—with those who are more struck with his teeth, than with the highly intellectual contour of his head and the sparkling intelligence of his eye. "Handsome is as handsome does," is a good old nursery "saw," and it applies most admirably to the case in point, as you will admit when I tell you, that Francis P. Blair, and his partner have, within four years, absolutely given away some ten thousand dollars, (in such a manner too as to disguise the fact from the recipients) to persons who lost their employment under Government, in this city, on the accession of the late ruthless Whig administration. It was but necessary for one to have fallen under the operation of Mr. Blair's rule, "We can't afford to keep your friends in office, sir," to find in them friends whose active sympathy asked no reward but inward satisfaction at having done a good deed. I do not believe that Messrs. Blair and Rives know any one is apprized of the fact. It therefore reflects so much the more credit on them; and proves, that although Mr. Blair's "outer-man" is none of the handsomest, yet it covers a heart as graceful as it is generous.

BISHOP ONDERDONK.—The New York True Sun says it is rumored that a meeting of the Puseyite Clergy in that city has been held, at which it was resolved to raise \$2500 per annum for the support of Dr. Onderdonk until the General Convention of the Episcopal church meets. A circular was also prepared to the rural clergy, requesting them to be non-committal on the subject of the Doctor's position for present. Wish we were a Bishop!

A PLEASANT MISTAKE.—The Boston Times says a young gentleman in the public streets of that city clasped a young lady round the waist, and uttering a cry of joy, printed several kisses upon her lips with the quickness of thought. On coming to an explanation, it was found that the young gentleman had mistaken the lady for her twin sister, whom he was courting. The Times thinks it dangerous to marry a lady who has a twin sister, as a man might be kissing somebody else's wife when he thought he had his own.

COMMISSIONER FOR MICHIGAN, MISSOURI, INDIANA AND ILLINOIS.—The Governors of Michigan, Missouri, Indiana and Illinois, have appointed John H. Frick, Esq., of Philadelphia, Commissioner in and for the State of Pennsylvania, to take Depositions, and the Acknowledgment of Deeds or any other writings to be used or recorded in said States, and to administer Oaths and Affirmations.

SANTA ANNA.—Advices from Mexico state that the friends of Santa Anna are rapidly extending their influence throughout the Republic, and his restoration to power is looked upon as highly probable, if not certain.

Steamers now carry passengers from Wheeling to Louisville at from \$3 to \$5, board and lodging included; from St. Louis or Louisville to New Orleans for \$10, board and lodging included. The distance from Louisville to New Orleans is 500 miles; from St. Louis to New Orleans, 1200.

## Rev. Robert Hall.

The following anecdotes are related of the late Rev. Robert Hall:

"He had one day attended a church, where a young minister preached on some public occasion. It so happened that the preacher met Mr. Hall afterwards, at dinner, at the house of a mutual friend. The young man was very anxious to hear Mr. Hall's opinion of his discourse, and very pertinaciously plied the great man with questions respecting it. Hall endured the annoyance, for some time, with great patience. He did not wish to hurt the young man's feelings; but he could not, conscientiously, laud his sermon. At length, worried beyond endurance, he said—

"Well, sir, there was one fine passage—and I liked it much, sir—much."

"The young divine rubbed his hands, in high glee, and pressed Mr. Hall to name it.

"Why, sir," replied Hall, the passage I allude to was—your passage from the pulpit to the vestry."

A young lady sent her album to him, and he returned it with the following, written upon one of its leaves:

"It is my humble opinion that albums are very foolish things."

"His marriage was a singular one. One day, whilst alighting at a friend's door, for the purpose of dining with him, he was joked on his bachelorhood. He said nothing; but whilst at table was observed to take particular notice of the servant girl who came in to replenish the fire. After dinner he went into the garden, sent for the young woman, and asked her to marry him. In her astonishment she ran away and said she believed Mr. Hall had gone mad again—he had been once deranged." Her master, like herself, was surprised; and on his speaking with Mr. Hall on the subject, the latter declared his intention of marrying the girl, who, he said, had taken his fancy by the manner in which she put the coals on. They were married and lived happily together. His widow survives him."

AN OLD-SCHOOL NEGRO.—The editor of the Barre Gazette, writing from Richmond, Virginia, says:

The U. S. Circuit Court is now in session here, held by Chief Justice Taney. I was present at the opening of the court on Monday and observed an aged negro dressed in a long black coat, small clothes and stockings, knee buckles and other characteristics of fashion 'sixty years ago.' As the Chief Justice entered the door, the old fellow rose and was greeted by the head of the judiciary with as much civility as if he had been the 'chief executive magistrate.' The Chief Justice and the District Judge shook him cordially by the hand and made inquiries for his health. On inquiry I found that he was the slave and favorite body servant of the late Chief Justice Marshall, whose memory the faithful negro cherishes in most affectionate remembrance. He is but a nominal slave, now, preferring like many others here not to be free. He dresses in precisely the same style of his distinguished owner, and insists on being at the door of the court room, as in days of yore, he takes the hat of the Chief Justice, fills his glass of water, and does several other offices as proudly as if he were the titled chamberlain of a king, and is treated with as much consideration by the very urbane and popular jurist, as his old master could have done.

CRIMINAL STATISTICS OF THE STATE OF NEW YORK.—From the Report of the Secretary of State, it appears that the whole number of convictions for criminal offences in Courts of Record, during the year 1844, was 1427—being of males 1361, and of females 66. In 1830, when the population was 1,915,608, there was a conviction of one for 1811 persons; in 1835, the population was 2,174,515, and a conviction of one for 2021 persons; in 1840, 2,428,921, and a conviction of one for 1808 persons; in 1844, estimating the population at 2,652,097, there was a conviction of one for 1865 persons. Besides the convictions in Courts of Record, there were returned as convicted by Special Sessions 3380, of which number 2,915 were males, and 465 were females. While the number of convictions was 3,380 the number of persons was but 1,972, the balance consisting of re-convictions of the same individuals.

WE have been looking for a contradiction, from some authentic quarter, of a story which we knew had been got up for effect—

"An indelicate and absurd story, under the head of 'A wife worth having,' is going the rounds of the papers, and was taken from the S. C. Temperance Advocate. It pretends to relate certain incidents in the life of the late lamented Wm. Wirt, and his esteemed wife. We are warranted in saying, that the statement is false in every particular, except that Mr. Wirt was married twice, and was at one time intemperate.—Richmond Compiler.

A LOVE STORY.—In the North Adams Transcript a story is related of a fair damsel in that town, who found it somewhat difficult to decide between rival suitors for her hand, and made them both agree to accompany her to the office of the "Squire," where she promised to make her selection, on condition that the rejected suitor should pay the marriage fee, present her with five dollars, and then depart the town for the space of one year. The Transcript says that this bit of a drama was actually performed, and the desolate one left town per agreement.

SINGULAR CASE.—Mr. Hector Perkins, of Baltimore, who was wounded in the Battle of Chippewa, thirty years ago, had to have his leg amputated on Friday last. For nearly thirty-one years he had suffered occasional pain, but for several months past he has suffered most intensely, until, at last, he consented to lose his leg. He has been doing well since the amputation.

DEATH OF A CENTENARIAN.—Mrs. Chase died in Boston, 19th instant, at the age of one hundred and six years. She had been married three times, and had ample fortunes left by her two first husbands, which were unfortunately spent by a third; leaving her to depend upon the charity of strangers. She has no one living related to her.

EXCELLENT REFORMS.—The Louisiana State Convention, among other reforms, adopted the following: Legislature prohibited from granting any bank charters, or renewing any one in existence; prohibited also from loaning the credit of the State or borrowing money, except in case of war, invasion, or insurrection.

CONVICTION OF A MURDERER.—In the court of Quarter Sessions at Philadelphia, on Saturday, John Allen, son of the late Richard Allen, Bishop of the Colored Methodist Church, was found guilty of murder in the second degree, for crushing the skull of a negro man named Haines, with a hatchet.

America could support nine-hundred and thirty millions of people, without being so densely populated as Europe is. The population of Europe is about 203 millions, that of America 54 millions.

Hemp is now rotted by the aid of steam in Kentucky. Five minutes application of steam makes the stem ready for the brake. The fibre is thought to be more beautiful and better than when water rotted.

## British Corn Laws.

No intelligent man can read the history of the British Corn Laws, through all their changes, during many centuries, without forming the conclusion that the indirect system of taxation for the support of government, or for the purposes of what is called protection to a nation's industry, is one of the greatest curses that ever retarded a nation's prosperity. To tax the necessities of life to protect the labor that produces those necessities, is so contrary to every rule of common sense, so gross, and at the same time so strange, that it is a fallacy, that a nation that adopts such a system, if it really supposes that labor will be benefited, cannot, with propriety, claim to possess any correct notions of the laws that operate in rendering labor productive, or the least knowledge of the principles of the noble science of Political Economy. Yet, though the system be the extreme of absurdity, the advantages and benefits it confers upon the few non-producers of wealth, has caused its adoption to a greater or less extent in the principal commercial countries of the world. That enlightened and free America should ever have adopted this system of taxation, and assigned as a reason for its adoption, that it renders labor more productive, that though our form of government is Republican, yet, that some of the follies, absurdities, and errors of the various monarchies of the old world have been transplanted in the new. There was a time when England taxed her people to pay a bounty to the exporter of bread stuffs to some foreign country. They had too much corn, so they raised a tax from the labor of the country to enable them to pay a bounty to the land holder, if he would take his corn out of the country and sell it. Then the very opposite policy prevailed—they taxed the labor of the country to pay a bounty to those who would import corn from abroad into England. First, they had too much corn, so they paid the owner to send it abroad; then they had too little, and they paid a bounty to those who had money to send abroad and bring corn into the country. Then both of these systems were abandoned, and a duty imposed upon foreign corn when imported into England. This last absurdity still exists; and the English operatives and laborers are by it annually plundered of millions of their hard earnings, to support the government and to swell the incomes of the landed aristocracy of that country.

PHARISEISM.—A writer in the Knickerbocker has some well-timed remarks on the Phariseism of the age. This is a subject which most publications, and most writers, out of a pusillanimous fear of reigning interests, are afraid to handle, but it nevertheless is one for men to think and to speak of. "This Pharisaical heresy, this divorce of religion and morals," is much to be deplored in its effects on the morals and manners of the people who are under its influence. Pride, hardness of character, sourness of disposition, monkism out of doors, if we may so call it, are its effects. On this subject we have already observed an excellent article in the same magazine, entitled, "A few candid observations." Our liberal literary men would do well to deal upon it. We need now the just men of cheerful, human-religious feeling; a broad Catholic sentiment, connected with joy, gaiety, hilarity, and an appreciation of the beauties of nature, and particularly of art, as exhibited in all its resources and developments.

The following passages from the Knickerbocker are significant:

"The Christian Religion is a great moral creed. The second of those two great commands in which the Saviour of mankind condensed all the law and the prophets, is, 'Thou shalt love thy neighbor as thyself; meaning, without doubt, that we should accord to all those with whom we sustain any social relations whatever, all those acts of justice, or of kindness and courtesy, we would in like circumstances wish them to accord to us. Now what is this but an injunction to the practice of good works? What boots it to love our neighbor unless we demonstrate it by deeds whenever occasion requires? What sort of reformers then are those who denounce all acts of justice, kindness, forgiveness and charity as 'filthy rags?' Nay, I have on more than one occasion heard these preachers of practical religion solemnly assure their hearers that the virtues and good deeds of an unregenerate man are an insult to his Maker. Thus we are likely to have a religion consisting entirely of abstract principles of faith, and divested of all its rich regalia of Christian virtues; all its morality. These are set adrift, denounced, proscribed, to give place to piety without substance, and bigotry without religion.

Religion is but another name for love. It is neither compounded fear, hatred, pride, presumption or persecution. It is all love. 'Thou shalt love the Lord thy God with all thy heart; and 'Thou shalt love thy neighbor as thyself. On these two commandments hang all the law and the prophets.' There is nothing to fear; nothing of sectarianism; nothing of bishops or presbyters; nothing of the real presence, or any of those outward forms and ceremonies, those metaphysical subtleties, which have no more to do with the fundamental principles of the Christian religion, than the color of a man's coat has with his opinions. All these are omitted by the Author of Christianity when condensing in two great comprehensive precepts the whole duty of man to God and his fellow-creatures; the entire sum and substance of that sublime system of morals which it was one great object of his divine mission to propound and to inculcate."

SOMETHING WORTH KNOWING.—The following are very good receipts for lemonade and ginger beer powders, and to persons who abstain from the ordinary fermented and alcoholic beverages, will be found very convenient and acceptable, particularly during the ensuing season.

"Lemonade Powders.—Pound and mix together half a pound of loaf sugar, one ounce of carbonate of soda, and three or four drops of the oil of lemon, divide the mixture into sixteen portions, and dissolve one in a glass of water."

"Ginger Beer Powders.—Take away the oil of lemon from the former receipt, and substitute a few grains of finely powdered ginger, or a few stet. of the essence of ginger."

THE WAY TO PLANT PEAS.—A correspondent of the Springfield Republican recommends, as the best way to plant peas, to put six in each hill of potatoes. In this way, he says, one saves busling, and gets two crops from the same ground.

The following is a new method of grafting grapes. Take short pieces of wild or other vines, and insert grape cuttings into them, and bury them in the ground. The vine will grow better and faster than in any other way.

INDIANA DEBT AND PUBLIC WORKS.—The debt of Indiana is twelve millions of dollars. One million and a quarter domestic debt—the balance foreign. For three millions of the stock, the State never received a cent. This debt amounts to one-tenth of the entire taxable list, real and personal—a pretty heavy mortgage. In 1841, the people submitted to a tax of four mills on the dollar. Her system of "Internal Improvements" commenced nine years ago. Nine works were commenced; not one has been completed. And the State has no revenue of any importance, except from taxation. These results are the fruits of Whig ascendancy in Indiana.

OUTRAGE AT NAVUOO.—The Warsaw Signal has late accounts from Navuoo. A Mr. Hyde who visited the city on business having given offence to the saints, had been grossly abused and besmeared with filth. The same paper states that a Mormon Elder, named McBride, residing in Camp Creek neighborhood, had seduced his two daughters, one of whom had left him; that some of the neighbors collected and gave him thirty-nine lashes and ordered him to leave the country. The story is a hard one to believe.

Reuben M. Whitney, Esq., who has held a conspicuous position in the political world for many years, died in Washington, recently, in the 57th year of his age.

## SUPREME COURT OF INDIANA.

Cases Determined at the May Term, 1845.

Reported for the Indiana State Sentinel by A. S. Stevens.

WEDNESDAY, May 28.

Muir v. Clark. Appeal from the Decatur C. C. Opinion by SULLIVAN J.

1. A Bill in Chancery for discovery and relief against an onerous contract, must state that the principal and lawful interest have been paid or tendered, and in case of a tender the money must be brought into Court.  
2. When it is apparent upon a bill in chancery that the complainant has no equity, the defect may be taken advantage of at any stage of the proceedings. Decree reversed. Ryman for appellant, Davison for appellee.

Reidman v. Clark & Gould. Appeal from the Floyd C. C. Opinion by SULLIVAN J.

1. In an action of Trover the plaintiff to maintain his suit must have a right of property in the goods converted as well as the right of possession at the time of conversion.

2. After a declaration of bankruptcy, the right of property in the bankrupt's goods passes to his assignee, and the latter is entitled to the possession.

3. In the Courts of this State, the transcript of a record from a District Court of the United States is admissible as evidence. Judgment reversed. Collins, Bradley and Quarles for appellant, Crawford for appellee.

Sherman, Admr. v. Wilson. Error to the Martin C. C. Opinion by DEWEY J.

If the declaration in assumpsit contain a count on a promissory note and a common count, and the defendant appear to the action and suffer judgment by nil dicit it is erroneous for the Court to award the common count without the consent of the parties. Judgment reversed. Warner for Plff., Watts for Deft.

The State Bank v. Wyman & another. Appeal from the Dearborn C. C. Opinion by DEWEY J.

If the holder, the endorsee, of a bill of exchange for a valuable consideration, give time to the drawee, he thereby discharges the endorser. Judgment reversed. Lane for Plff., Ryman & Spooner for Defts.

Dumont v. Pope et al. partners. Error to the Cass C. C. Opinion by BLACKFORD J.

Suit on an instrument as follows:—"Logansport, Oct. 28, 1845. Messrs. Penickson & Zern will please pay in conformity to the agreement between us bearing date 12 Sept. 1842 to Messrs. W. H. Pope & Co. or order the sum of 200 dollars holding the balance of the funds deposited with you if any at my disposal and subject to my further order. (Signed) Julius W. Dumont, sur part."

The instrument was not accepted. "The question whether the instrument of writing is a bill of exchange or not, not necessary for the Court to decide."

To authorize a payee to recover on a bill in which there is no time specified for payment, he must present the bill to the drawee for acceptance or payment within a reasonable time. The parties lived in towns only 18 miles apart. Mails three times a week between the towns. The instrument was not presented until 30 days after it was received. The presentment was therefore too late. If the instrument is a bill of exchange the plaintiff cannot recover. But on the supposition, that the instrument is a bill of exchange, the plaintiff is entitled to recover. The instrument not being void as a bill of exchange it was not sufficient evidence under the common counts. The plaintiff should have proved the consideration for which the order was given. Judgment reversed. Biddle for Plff., Wright for Deft.

Scott v. Williams. Error to the Miami C. C. Opinion by BLACKFORD J.

The question whether a transcript of a Justice's judgment was duly filed in the clerk's office is a question for the court to decide—for a transcript if duly filed is a record of the court. A replication averring that there is a record of a judgment remaining in the clerk's office of the circuit court is a wrong. The agreement should be that there was such a record in the Justice's court. Judgment reversed. Platt for Plff., Wright for Deft.

THURSDAY, May 29, 1845.

Berry et al. v. McDonnald. Error to the Daviess C. C. Opinion by SULLIVAN J.

1. A scire facias to have execution against real estate may be amended by striking out an immaterial averment.

2. A court may in its discretion at any time before trial permit a party to withdraw a demurrer and plead to merits.

3. In a suit founded on a scire facias to have execution against real estate, conflicting titles to land claimed by the debtor cannot be inquired into and settled. Judgment affirmed. Watts for Plffs., Thornton for Defts.

Jos. Crabs v. Fittick. Error to the Adams C. C. Opinion by SULLIVAN J.

Under the general issue in an action of *qui etia. fr.* a lien cannot be given in evidence. It must be specially pleaded. Judgment reversed. Brackenridge for Plff., D. Wallace for Deft.

Henry Hurst Exr. v. Hensley et al. Error to the Clark C. C. Opinion by DEWEY J.

The personal representative of a vendor of real estate, (the vendor having deceased without making a deed and before he was bound to convey) has the right in a Court of Equity to require of the heirs or devisees of the vendor to make a deed according to the contract of sale, and to demand of the vendee the payment of the purchase money; such personal representative is also entitled to enforce the vendor's lien for the price of the land. Decree reversed. Crawford for Plff., Thornton for Defts.

Phelps & another v. Addison et al. Error to the Clay C. C. Opinion by DEWEY J.

In an action on a bill of exchange payable to a firm, by the drawers who had paid the bill against acceptors, it is sufficient to describe the bill in the declaration as payable to the firm without setting forth the names of the members of the firm. It is not necessary to allege in declaration on a bill of exchange against the administrators of the acceptor, that the plaintiff's claim has been filed in the office of the clerk of the Probate Court which granted the letters of administration to the defendant. In such an action the judgment should be (if in favor of the plaintiff) that the damages levied of the goods of the intestate, and the costs also if there be assets, if not of the goods of the defendant. Judgment reversed. Hanna for Plffs., McGaughey for Deft.

Rollie v. Fiddler. Error to the Allen C. C. Opinion by BLACKFORD J.

The charge that one is *falsus in* is not of itself actionable. The count in a declaration in slander in addition to the *innuendo* and *colloquium* should contain the *innuendo* which is always necessary in such cases to explain the defendant's meaning by reference to the previous matter. Judgment reversed. D. Wallace for Plff.